

**REGULAR MEETING OF THE TOWN BOARD
OF THE TOWN OF NEW HARTFORD, NEW YORK,
HELD AT TOWN HALL, 8635 CLINTON STREET, NEW HARTFORD, NY ON
WEDNESDAY, SEPTEMBER 29, 2021 @ 6:00 P.M.**

Town Supervisor Miscione called the meeting to order at 6:00 P.M. and led those in attendance in the Pledge of Allegiance to the American Flag. The roll was then taken with the following Town Officials and Department Heads being present during the progress of the meeting.

TOWN BOARD MEMBERS PRESENT:

Councilman James J. Messa
Councilman Richard M. Lenart
Councilman David M. Reynolds
Councilman Woodland
Supervisor Paul A. Miscione

OTHER TOWN OFFICIALS/EMPLOYEES PRESENT:

Deputy Town Supervisor Anthony J. Trevisani
Assistant Director of Personnel Barbara Schwenzfeier
Town Attorney Herbert Cully
Highway Superintendent Richard Sherman
Highway Chris Moran
Police Chief Michael Inserra
Town Clerk Cheryl Jassak-Huther
Registrar Jade Giglio

Thereafter a quorum was declared present for the transaction of business.

I. BOARD MINUTES FOR APPROVAL

1. September 8, 2021

Councilman Reynolds introduced the following Resolution for adoption and seconded by Councilman Lenart:

(RESOLUTION NO. 326 OF 2021)

RESOLVED, the Town of New Hartford Town Board does hereby approve the September 8, 2021 Town Board Meeting Minutes.

The Town Board voted upon roll call, resulting as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye

The Resolution was unanimously carried and duly *ADOPTED*.

II. PRESENTATIONS/COMMENTS

- A. Resident – Warren Mundrick – Bleacher Avenue – Chadwicks – house was taken down on 3535 was taken down - been six months - side walk needs to be repaired, top soil - asking where it stands - asking about the lot – if going up for sale or auction – interested in purchasing the lot just to maintain it – can't build on it (only a shed), would purchase it to maintain it to make it look nice – keep area nice – would like to know the process; Supervisor Miscione – need to get a survey/appraisal for it – notify all the neighbors – will send out a letter to the neighbors who might be interested in purchasing it; complemented the work the Highway Department has done

Councilman Messa introduced the following Resolution for adoption and seconded by Councilman Lenart:

(RESOLUTION NO. 327 OF 2021)

RESOLVED, the Town of New Hartford Town Board does hereby approve to get an appraisal for the lot at 3535 Bleachery Avenue, Chadwicks, NY.

The Town Board voted upon roll call, resulting as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye

The Resolution was unanimously carried and duly *ADOPTED*.

Supervisor Miscione – will order the appraisal and then a letter will go out to the adjoining neighbors, then a Legal Notice will go in the Observer Dispatch and the Councilman for that District will contact the neighbors

- B. Resident Mitch Ford – 45 Wills Drive – thanked the Board for the stop sign on Wills Drive/Janet Terrace – makes it safer – not opposed to the sign – believes a yield sign people will just go through, stop sign is logical
- C. Community Power Group – Mr. Borkowski – Humprey’s Farm - Site Plan Narrative – this plan is for the review and approval for the use of solar at the project site. The project site is located in the Town of New Hartford with State Route 12 to the West, existing vegetation to the North and East and Brimfield Street to the South. This is for special permit review from the Town of New Hartford Planning Board only. Construction documents to be provided at a later date for building permits; Grading and Drainage Narrative – Existing contours per GIS Data. Existing topography to remain. There is no proposed grading associated with this project. Therefore, existing drainage patterns are to be maintained.; Landscaping Screening Narrative – a wildlife friendly fence will be provided around the perimeter of the facility. A single row of evergreen trees

will be provided on all sides where existing vegetation does not exist.; Supervisor Miscione asked to have a packet put together to submit to the Board to review – then can ask questions – give what the project is, can determine which way to go – all information: number of solar panels, looking to do, roads, intersections, etc.

III. REPORTS SUBMITTED BY TOWN DEPARTMENTS

A. Town Clerk

1. Tentative Annual Budget for the Year Ending December 31, 2022 was handed out to all the Board Members
2. Question was asked about the next Public Hearing – it is not for Janet Terrace stop sign it is for another stop sign Public Hearing – Town Attorney Herbert Cully is working on the Local Law to rescind the prior Resolution enacted by the Town Board for the installation of a stop sign on Janet Terrace at its intersection with Wills Drive and/or replace it with a Yield sign or not to place any traffic sign at said location.

Councilman Messa introduced the following Resolution for adoption and seconded by Councilman Lenart:

(RESOLUTION NO. 328 OF 2021)

RESOLVED, the Town of New Hartford Town Board does hereby approve to schedule a Public Hearing on October 20, 2021 to rescind the prior Resolution enacted by the Town Board for the installation of a stop sign on Janet Terrace at its intersection with Wills Drive and/or replace it with a Yield sign or not to place any traffic sign at said location

The Town Board voted upon roll call, resulting as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye

The Resolution was unanimously carried and duly *ADOPTED*.

3. Appointment of Donna Owens – Deputy Registrar – Full-time, \$16.50/Hour; Assistant Director of Personnel Barbara Schwenzfeier – Kayla resigned and moved to Arizona – Registrar Jade Giglio appointed Donna Owens – two people to sign death and birth records – an email was sent out to the Board members from Registrar Jade Giglio with the information – Donna was in as the Deputy Clerk to train with Kayla. She is an Appointed position by the Registrar; Supervisor Miscione – we are setting this rate as Deputy Registrar; Town Attorney Herbert Cully – an email was sent to the Board

Members to get their consent, subject to the next Board Meeting passing a resolution, reaffirming it (recollection) – Asked Barb – didn’t we send, because of the urgency to hire someone, an email was sent to all the Board Members indicating that we needed to hire that person subject to reaffirming at the next Board Meeting her appointment retroactive to that date; Councilman Reynolds – is it necessary we solve this now; Assistant Director of Personnel Barbara Schwenzfeier – we had to start her because we would not have a Deputy to fulfill the duties in the absence of Jade – reminded the Board it is appointed of the Registrar; will come back to this

B. Assistant Director of Personnel Barbara Schwenzfeier

1. Police Department Opening

- a. Resignation of Brad Pietryka – appoint Andrew Sobel at a rate of \$36.09 – start on 10/30/2021 – transferring in to part-time competitive

Councilman Reynolds introduced the following Resolution for adoption and seconded by Councilman Messa:

(RESOLUTION NO. 329 OF 2021)

RESOLVED, the Town of New Hartford Town Board does hereby approve to appoint part-time police officer Andrew Sobel at a rate of \$36.09 effective October 30, 2021.

The Town Board voted upon roll call, resulting as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye

The Resolution was unanimously carried and duly *ADOPTED*.

2. Highway Department Opening

- a. Dustin Mierek resigned and moved on to the NYSDOT - Hire Robert Berkhoudt – as a laborer with a CDL, \$14.63 per contract – start date 10/4/2021; – just got out of the Army – he has run heavy equipment – have paperwork from the Army; will have certification soon

Councilman Messa introduced the following Resolution for adoption and seconded by Councilman Lenart:

(RESOLUTION NO. 330 OF 2021)

RESOLVED, the Town of New Hartford Town Board does hereby approve to hire Robert Berkhoudt for the Highway Department at a rate of \$14.63/hour, starting 10/4/2021.

The Town Board voted upon roll call, resulting as follows:

- Councilman Messa - Aye
- Councilman Lenart - Aye
- Councilman Reynolds - Aye
- Councilman Woodland - Aye
- Supervisor Miscione - Aye

The Resolution was unanimously carried and duly *ADOPTED*.

C. Highway Superintendent Richard Sherman

- 1. Resolution for a new road – Phil Circle – add to inventory for chips, Applewood Heights in the back – they added a road, have engineers report, have a letter under our article that we take this road and add it to our inventory and have paperwork that goes and gets added to NYS chips, 1,100 feet. – need a letter from Town Attorney – have certification from their engineer and ours as well – Herb working with John Livingston; Town Attorney Herbert Cully – motion to accept the dedication of Phil Circle

Councilman Messa introduced the following Resolution for adoption and seconded by Councilman Lenart:

(RESOLUTION NO. 331 OF 2021)

RESOLVED, the Town of New Hartford Town Board does hereby approve to accept the dedication of Phil Circle in Applewood Heights.

The Town Board voted upon roll call, resulting as follows:

- Councilman Messa - Aye
- Councilman Lenart - Aye
- Councilman Reynolds - Aye
- Councilman Woodland - Aye
- Supervisor Miscione - Aye

The Resolution was unanimously carried and duly *ADOPTED*.

Councilman Reynolds introduced the following Resolution for adoption and seconded by Councilman Messa:

(RESOLUTION NO. 332 OF 2021)

RESOLVED, the Town of New Hartford Town Board does hereby approve for Supervisor Miscione to sign the Gates tax and Equalization and Assessment Form

The Town Board voted upon roll call, resulting as follows:

- Councilman Messa - Aye
- Councilman Lenart - Aye
- Councilman Reynolds - Aye
- Councilman Woodland - Aye
- Supervisor Miscione - Aye

The Resolution was unanimously carried and duly *ADOPTED*.

2. Two Employees Move Up

- a. Dan Currier from Laborer \$15.49 to MEO \$19.44
 - b. Matt Jones from Laborer \$15.49 to MEO \$19.44
- Both have CDL, doing great jobs

Councilman Lenart introduced the following Resolution for adoption and seconded by Councilman Messa:

(RESOLUTION NO. 333 OF 2021)

RESOLVED, the Town of New Hartford Town Board does hereby approve to move Highway Employee – Dan Currier from Laborer to MEO at a rate of \$19.44/Hour.

The Town Board voted upon roll call, resulting as follows:

- Councilman Messa - Aye
- Councilman Lenart - Aye
- Councilman Reynolds - Aye
- Councilman Woodland - Aye
- Supervisor Miscione - Aye

The Resolution was unanimously carried and duly *ADOPTED*.

Councilman Messa introduced the following Resolution for adoption and seconded by Councilman Woodland:

(RESOLUTION NO. 334 OF 2021)

RESOLVED, the Town of New Hartford Town Board does hereby approve to move Highway Employee – Matt Jones from Laborer to **MEO** at a rate of \$19.44/Hour.

The Town Board voted upon roll call, resulting as follows:

- Councilman Messa - Aye
- Councilman Lenart - Aye
- Councilman Reynolds - Aye
- Councilman Woodland - Aye
- Supervisor Miscione - Aye

The Resolution was unanimously carried and duly *ADOPTED*.

IV. MATTERS SUBMITTED BY TOWN SUPERVISOR

A. Budget Transfers

- 1. General Whole Town
 A1220.20 - \$5,000.00
 A1220.40 - \$2,000.00
 A1315.40 - \$1,000.00
 A1680.40 - \$2,300.00
TOTAL - \$10,300.00

Take A11200 – Sales Tax from General Whole Town and decrease by \$10,300;
Add the \$10,300 to sales tax DB11200 – increasing equipment in Highway
Superintendent Richard Sherman budget for \$10,300 - DB5130.20

Councilman Reynolds introduced the following Resolution for adoption and seconded
by Councilman Lenart:

(RESOLUTION NO. 335 OF 2021)

RESOLVED, the Town of New Hartford Town Board does hereby approve the budget transfer
for the Highway Department.

The Town Board voted upon roll call, resulting as follows:

- Councilman Messa - Aye
- Councilman Lenart - Aye
- Councilman Reynolds - Aye
- Councilman Woodland - Aye
- Supervisor Miscione - Aye

The Resolution was unanimously carried and duly *ADOPTED*.

2. General Repairs

Stone/Rip Rap DB 5110.41 - \$1,500.00 and Gravel/Crusher Run DB 5110.42 -
\$1,000 – TOTAL \$2,500.00 going to Paving DB 5112.40

Councilman Messa introduced the following Resolution for adoption and seconded by
Councilman Woodland:

(RESOLUTION NO. 336 OF 2021)

RESOLVED, the Town of New Hartford Town Board does hereby approve the budget transfer
for the Highway Department.

The Town Board voted upon roll call, resulting as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye

The Resolution was unanimously carried and duly *ADOPTED*.

- 3. Drainage
 Stone/Rip Rap DB 5111.401 - \$1,500.00
 Gravel/Crush Run DB5111.402 - \$2,000.00
 Culvert Pipe DB 5111.403 - \$18,0000
 Drainage Contractual DB 5111.405 - \$5,540.05
TOTAL - \$29,540.05

Going to Paving DB 5112.40

Councilman Reynolds introduced the following Resolution for adoption and seconded by Councilman Lenart:

(RESOLUTION NO. 337 OF 2021)

RESOLVED, the Town of New Hartford Town Board does hereby approve the budget transfer for the Highway Department.

The Town Board voted upon roll call, resulting as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye

The Resolution was unanimously carried and duly *ADOPTED*.

- 4. BOND Counsel
 Increase A1315.41 Bond Counsel
 Decrease A7140.20 Playground equipment
 For \$7,780.00

The attorney's: two bills \$3,900.00 and \$3,880.00

Councilman Lenart introduced the following Resolution for adoption and seconded by Councilman Woodland:

(RESOLUTION NO. 338 OF 2021)

RESOLVED, the Town of New Hartford Town Board does hereby approve the budget transfer for the BOND Counsel for 2020/2021 BAN's.

The Town Board voted upon roll call, resulting as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye

The Resolution was unanimously carried and duly *ADOPTED*.

- 5. POLICE DEPARTMENT
Transfer \$17,000 from BP 3120.49 to BP 3120.40; for third police car

Councilman Messa introduced the following Resolution for adoption and seconded by Councilman Lenart:

(RESOLUTION NO. 339 OF 2021)

RESOLVED, the Town of New Hartford Town Board does hereby approve the budget transfer for Police Department.

The Town Board voted upon roll call, resulting as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye

The Resolution was unanimously carried and duly *ADOPTED*.

- 6. VOUCHERS/BILLS

Councilman Reynolds introduced the following Resolution for adoption and seconded by Councilman Lenart:

(RESOLUTION NO. 340 OF 2021)

RESOLVED, the Town of New Hartford Town Board does hereby approve to pay the bills.

The Town Board voted upon roll call, resulting as follows:

Councilman Messa	-	Aye
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Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye

The Resolution was unanimously carried and duly *ADOPTED*.

7. CASH/CHECK – Town Clerk’s Office – Town Attorney Herbert Cully – people have been coming in/ mailing in cash, checks, money orders for various records, they were required to come back with additional information and didn’t. We have cash, checks, money orders from 2019 that were found in a file/cabinet by the girls in the Town Clerk’s Office – the money has been sitting there. Asking to deposit what can, issue the person a check with a letter to say we have not kept their money. It should have been deposited within days received. We know who the money came from and it’s over \$1,000; Cheryl, Jade and Donna have called people to see if still needed the documents and apologized for the inconvenience. Asking the Board motion to return the money, deposit the cash and make efforts to return the money to the rightful owners.

Councilman Messa introduced the following Resolution for adoption and seconded by Councilman Lenart:

(RESOLUTION NO. 341 OF 2021)

RESOLVED, the Town of New Hartford Town Board does hereby approve to allow the Town Clerk to deposit the cash/money orders from 2019 – to current time for Birth and Death Certificates in to the Town Clerk’s checking account.

The Town Board voted upon roll call, resulting as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye

The Resolution was unanimously carried and duly *ADOPTED*.

Councilman Messa introduced the following Resolution for adoption and seconded by Councilman Lenart:

(RESOLUTION NO. 342 OF 2021)

RESOLVED, the Town of New Hartford Town Board does hereby approve to allow the Town Clerk to return the money from 2019 – to current time for Birth and Death Certificates to the applicants that did not receive their certificates.

The Town Board voted upon roll call, resulting as follows:

- Councilman Messa - Aye
- Councilman Lenart - Aye
- Councilman Reynolds - Aye
- Councilman Woodland - Aye
- Supervisor Miscione - Aye

The Resolution was unanimously carried and duly *ADOPTED*.

V. **MATTERS SUBMITTED BY TOWN HIGHWAY SUPERINTENDENT**

1. Stormwater Review Project List – Woodberry Pool all done; Ney Ave. has been cleaned; Woodberry Lane – regraded, DeSantis decided not to move head wall; 3628 Oxford Rd. done; Foxcroft pipe – bringing water down – done – residents can now hook into our pipe at their cost; Oneida Street/Bradley Rd. all done, just need to put basketball Court back in at the residents house, that was part of the deal; blacktop repairs on Oneida Street; White Pine Rd. all cleaned; Catch Basin repairs in Applewood; Harrogate catch basin fixed; Stonebridge Rd. catch basin fixed; Tree Work – Sessions/Mohawk and Westminster – able to do in house; Green waste, brush – ongoing; Started leaf pickup – two out of the four trucks out; Working in areas for signs; Bathroom and locker rooms in Rec Center working on; Plow trucks ready; Twyndom Terrace – all done; Dixon Road – need to clean creek (big machine); Woodberry Lane need to work on creek – clean out and see where we are at; Chapman Rd. – will be working on it – Rick met with the resident
2. John Dunkle – concrete box – out to bid – will go in OD – we’re buying concrete structures – Oneida Street/City Line – Spring of next year.

Councilman Messa introduced the following Resolution for adoption and seconded by Councilman Lenart:

(RESOLUTION NO. 343 OF 2021)

RESOLVED, the Town of New Hartford Town Board does hereby approve to go out to bid for a contractor to do the work – Oneida Street/City Line (Phase 2).

The Town Board voted upon roll call, resulting as follows:

- Councilman Messa - Aye
- Councilman Lenart - Aye

Councilman Reynolds - Aye
Councilman Woodland - Aye
Supervisor Miscione - Aye

The Resolution was unanimously carried and duly *ADOPTED*.

3. Bid Contract on Mud Creek – Jason and Rick met with the Church – Bible Baptist Church – have the soccer fields – there are places to put the dirt on site (\$150,000 add on will be gone as the church will take the dirt – right on site); will need to sign agreement to authorize to go on his property; With that said – Keller will be the low bidder – according to the engineers; Town Attorney Herbert Cully – needs to look at the bids because one of the bidders objected, feeling that the bid was not clear as to how it was going to be presented or determined – John will be sending Herb all the specs so he can review it and should have for the next meeting
4. Speed Limit signs (solar powered) are all in

VI. **MATTERS SUBMITTED BY COUNCILMEN**

A. Councilman Lenart

1. Senior Center – Paying six employees a week to work; sign in sheet has approx. 10-12 people a day (that includes the employees); coffee and cupcakes; not pleasant when come in – banging on the doors; have seen them sitting around, no activities; Supervisor Miscione – we agreed on only two people working a day; Councilman Lenart – need to form some sort of committee with residents and see what they would like to do, we have an age range, no food, need to rethink what we are doing – not sure why it is open – attendance is going down since it started; A lot of people are very hesitant to come due to COVID – people are interested in doing other things (trips, Bingo) – maybe once a week if we have something going on; Highway Superintendent Richard Sherman – we installed a door bell so Seniors could ring the bell and Carrie would go to the double doors to let them in as they are entering the main entrance; Supervisor Miscione – we need to make a decision – how many employees do we need – what doing each day (activity); Highway Superintendent Richard Sherman – two other groups are also coming in and they all need to come in the same door, keep the same for everyone (cannot use the employee door); Councilman Reynolds – idea he has was these people were going to get together and develop programs; Councilman Lenart – will work with Carrie to come up with idea, programs, activities; Supervisor Miscione – we have to structure it, tell employees they can't come in and get paid until open – it isn't working – do we want two people or no; Councilman Lenart – suggested to close it down until get some organized structure; Supervisor Miscione – if close down, how do we get organized structure – should we drop it down to

one employee; Councilman Reynolds – suggested Carrie and one other person; Supervisor Miscione – have Carrie come up with a plan – get input from the community and develop programs for the residents – an activity a day; Councilman Messa – two weeks, 20 hours a week to come up with a plan and have it for the next meeting; Supervisor Miscione – outcome – Carrie come in 20 hours a week, 2 weeks – working with Supervisor Lenart – leave Senior Center open temporarily until there is a plan; Councilman Lenart and Supervisor Miscione will come in on Thursday to talk to the Senior Center employees.

2. Appraisal for Cascade Drive – Town Attorney Herbert Cully – spoke to Mr. Donato – lost a lot of the information – asked for Mr. Simmons phone number and he talked to him – will have information at some point

- B. Councilman Messa – Local Law – new developments – spoke with Supervisor Miscione about it; Town Attorney Herbert Cully – have not had time to work on them – wanted to talk about – not sure if Board aware, between Chief, Cheryl and Barb we have had, in the last two months, numerous FOILS, some of which involve numerous boxes, with employees scanning documents – one FOIL requested all vouchers, with all supporting documentation that we received since Jan. 1, 2021 to date (there are thousands) – you have to go through and redact information that is private; Cheryl has one that is FEMA with four or five boxes and we went through page by page; Chief has one and we sat down and went through documents; Supervisor Miscione – FOILS – should there be a charge – employees are putting stuff together and not getting other work done because its consuming time; Town Attorney Herbert Cully – you can't bill for the time to locate the documents but if you have to scan and email (and you have to redact), you can bill in an excess of two hours at the lowest paid employee rate, BY LAW – we give them an estimate – on the one that requested all the vouchers and supporting documentation we gave that person an estimate with the number of hours, what the cost was going to be and that person withdrew their request for that; Chief – that has happened to me twice now; Town Attorney Herbert Cully – just so everyone is aware, the committee on open government – I called – because some of these appear to be harassment – I called on the one on the vouchers and the chairperson now said you have to provide them and said they could do them in an hour – Herb said we have thousands and asked to show how we redact information and scan and have done in an hour...she was not very nice. They take a position, we have to give them what they want; Councilman Messa – going back under past Administration, we had a lot of FOILS then – I thought we did charge – there were so many; Town Attorney Herbert Cully – can't charge for electronics. Cheryl had boxes – FEMA in NYM – had boxes – every email, every document. Desiree – had to remove staples, scan, etc. You can request a 20-day extension. We give an estimate, hopefully that will deter, some may send a \$100 – a lot of people that are doing it for harassment purposes don't send the \$100 (or whatever the estimate is) and say forget it; Chief Inserra – once I supply the estimate, the person will say just make them available and I will come in and look

at them – still have hours of redacting, hours of research and someone needs to sit with the person while they look at the documents; Town Attorney Herbert Cully – can still charge the person if they come in to look at the records – still need to research and redact information; Chief Inserra – the person coming in will not be allowed to take photos; Town Attorney Herbert Cully – lowest paid rate employee; Councilman Messa – spending a lot of extra time, should be charged – Chief and Cheryl can start estimate; Supervisor Miscione – still spending hours on these (Barb helps because she knows where all this stuff is); Councilman Messa – that is the business we are in, we are going to get FOILS; Town Attorney Herbert Cully – we are getting a lot and its harassment and ones we start doing the work and send estimate and then they take back the FOIL request, not going to pay; Councilman Messa – asked if we had any outstanding that have an estimate that they accepted?; Town Clerk Cheryl Jassak-Huther – yes, there is a FOIL that went to the Board; Town Attorney Herbert Cully – Madden wants all correspondence as it relates to Valley View Road; Councilman Lenart – before we even start the process, is it possible to send these people that there may be a charge; Town Attorney Herbert Cully – yes, we have to tell them – on the other one we started to put the stuff together, send the letter and Desiree started to scan and the person got back and said forget it not going to pay – on the Madden one there is a lot I have to see what each employee has

C. Councilman Lenart – going back to Deputy Registrar

Councilman Reynolds introduced the following Resolution for adoption and seconded by Councilman Lenart:

(RESOLUTION NO. 344 OF 2021)

RESOLVED, the Town of New Hartford Town Board does hereby approve to reaffirm the appointment of Donna Owens, by the ~~Town Clerk~~ Registrar of Vital Statistics, of Deputy Registrar, at the rate of \$16.50/hour, effective Monday, August 23, 2021.

The Town Board voted upon roll call, resulting as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye

The Resolution was unanimously carried and duly *ADOPTED*.

Councilman Lenart introduced the following Resolution for adoption and seconded by Councilman Messa:

(RESOLUTION NO. 345 OF 2021)

RESOLVED, the Town of New Hartford Town Board does hereby approve to go into Executive Session (8:01pm)

The Town Board voted upon roll call, resulting as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye

The Resolution was unanimously carried and duly *ADOPTED*.

Councilman Woodland introduced the following Resolution for adoption and seconded by Councilman Messa:

(RESOLUTION NO. 346 OF 2021)

RESOLVED, the Town of New Hartford Town Board does hereby accept to come out of Executive Session (8:57pm).

The Town Board voted upon roll call, resulting as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye

The Resolution was unanimously carried and duly *ADOPTED*.

**VII. MATTERS SUBMITTED ASSISTANT DIRECTOR OF PERSONNEL
BARBARA SCHWENZFEIER**

- A. Leaving Senior Office Specialist 1 position vacant – appointment of Kim Stenske as Laborer at \$18.01/hour effective Monday, October 4, 2021.

Councilman Woodland introduced the following Resolution for adoption and seconded by Councilman Lenart:

(RESOLUTION NO. 347 OF 2021)

RESOLVED, the Town of New Hartford Town Board does hereby accept to approve the appointment of Kim Stenske to Laborer.

The Town Board voted upon roll call, resulting as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye

Supervisor Miscione - Aye

The Resolution was unanimously carried and duly *ADOPTED*.

- B. Dezaray Rimmer – remove her from clerk part-time and appoint her as Laborer at \$18.01/hour

Councilman Lenart introduced the following Resolution for adoption and seconded by Councilman Reynolds:

(RESOLUTION NO. 348 OF 2021)

RESOLVED, the Town of New Hartford Town Board does hereby accept to approve the appointment of Dezaray Rimmer to Laborer.

The Town Board voted upon roll call, resulting as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye

The Resolution was unanimously carried and duly *ADOPTED*.

- C. Reaffirm the appointment of Donna Owens as Deputy Registrar of Vital Statistics at \$16.50/hour, appointment of 8/23/2021

Councilman Lenart introduced the following Resolution for adoption and seconded by Councilman Reynolds:

(RESOLUTION NO. 344 OF 2021 – REAFFIRMED PRIOR)

RESOLVED, the Town of New Hartford Town Board does hereby accept to approve to reaffirm Donna Owens as Deputy Registrar of Vital Statistics at \$16.50/hour, appointment of 8/23/2021.

The Town Board voted upon roll call, resulting as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye

The Resolution was unanimously carried and duly *ADOPTED*.

VIII. MATTERS SUBMITTED TOWN ATTORNEY HERBERT CULLY

Going on Record – we received a FOIL from Melody Fancett – an Appeal with regard to a FOIL and filed by Melody Fancett. She is indicating that we did not provide her with all the documentation that she sought. She was initially seeking all vouchers, supporting bills, proof of payment approved by the Town Board from January 1 – August 2021 of this year, as well as seeking the monthly reports which have been prepared by Cheryl. Cheryl responded to that and copied or will copy the Board with everything that was sent to her. She has Appealed saying she didn't get what she wanted. It's up to you (the Board) to make a determination as to whether or not we've complied with the FOIL request. Whether or not Cheryl needs to provide any additional information. If we've complied then the Appeal is dead and she can take whatever legal action she might want to take. If you determine we haven't complied, that there may be additional items that Cheryl can provide then Cheryl would have the right to do that. I will provide you with everything that we sent (Cheryl stated she did already to the Board via email). Some members may not have seen or had an opportunity to review them so we are going to defer that to the next meeting, next week; Supervisor Miscione – Can I ask a question? I thought this was the one that she requested and we sent her.....; Town Attorney Herbert Cully – in the email, she requested all the vouchers, we sent her an estimate of approx. \$140/\$150 for the cost of providing all that documentation because we had to un-staple things, had to scan and redact information and we were in the process of doing that. After Cheryl sent that to her, she withdrew her request for those items but she's still requesting the reports which Cheryl provided to her and sent to the Board. The issue is – did Cheryl comply and provide all the reports or not; Town Clerk Cheryl Jassak-Huther – Barb you have the email I sent to all the Board Members with all the attachments; Supervisor Miscione – the additional stuff, didn't she have to pay more for?; Town Clerk Cheryl Jassak-Huther – she retracted that so I sent her the reports and she is saying that I didn't; Town Attorney Herbert Cully – the reports are 20-30 pages?; Town Clerk Cheryl Jassak-Huther – more that that but I have them on the computer and I just attach them; Town Attorney Herbert Cully – there was no more than two hours to compile those so we provided them to her at no cost; Town Clerk Cheryl Jassak-Huther – she also emails Barb and Herb her FOILS and not me so Barb sends to me and I respond. She will FOIL me sometimes and then she'll send to those two saying I am not responding. Then Barb will forward to me and I'll reply; Supervisor Miscione – she has to send them to you; Town Clerk Cheryl Jassak-Huther – Correct, so I ask them to send them to me and I reply to Melody Fancett, here is my email again because she has been communicating with me since June. She's telling them I'm not responding but I am responding but then she emails Barb and Herb and not me but I have supplied everything she's asked for minus the vouchers because she retracted that; Councilman Messa – asked if that is what you sent to her (Melody Fancett), the monthly reports and forwarded to the Board; Town Clerk Cheryl Jassak-Huther – yes, even the ones that I did that were never done in the past. Even the meeting minutes; Town Attorney Herbert Cully – Cheryl sent you (forwarded) to the Board, the emails sent to Melody Fancett after the Appeal was filed so that the Board could see they were sent to Melody Fancett because you have to decide the Appeal; Councilman Messa – after she got those, she's appealing that she didn't get them (to the Board) and you send a 2nd time; Town Clerk Cheryl Jassak-Huther – No, I sent to the Board. I never responded to her,

per Herb, after she Appealed the Board. The FOIL is done; Town Attorney Herbert Cully – she got everything; Councilman Messa – wouldn't it just be easy to resend again; Town Clerk Cheryl Jassak-Huther – they were sent three times; Town Attorney Herbert Cully – I think its just going to keep going on. Cheryl has sent multiple times; Councilman Messa – but if Cheryl puts the Board on, Herb on – everybody sees that she (Melody Fancett) received them; Town Clerk Cheryl Jassak-Huther – It's just getting harassing; Supervisor Miscione – why don't we just put the reports on the website and she can download from there; Councilman Messa – if she has them, are we missing something; Town Clerk Cheryl Jassak-Huther – no, I've sent her everything she's requested – titles, salaries, reports, letters, etc.; Councilman Reynolds – (reading forwarded email sent to Board from Cheryl) – dog licenses, handicaps, parking permits, death certificates; Assistant Director of Personnel Barbara Schwenzfeier – there is a monthly report that Cheryl gives to Paul with the monies that were received – a synopsis of the main one, taking the total. Then she followed up with the full report from BAS that tells how many dogs were neutered/spayed, etc. and she is still saying she has not received everything; Councilman Messa – so we're not missing anything; Town Attorney Herbert Cully – no, in my opinion, everything has been sent but it's up to you guys to look at what was sent and make the decision if we didn't or we did; Councilman Lenart – did she state what she's missing; Town Attorney Herbert Cully – she's gotten what she's asked for; Councilman Lenart – is Mel saying 'I didn't receive X out of, you gave me this but didn't give me Y'; Town Attorney Herbert Cully – I have the Appeal; Councilman Messa – if you did it again, with everyone on it; Town Attorney Herbert Cully – here is what she says – on Tuesday, September 21, 2021 “You re-sent me the same supervisors reports...I'm looking for the Town Clerk reports which was clear in my request and not received. I'm now placing a FOIL appeal with YOUR Town Board...they can decide...”; Assistant Director of Personnel Barbara Schwenzfeier – Cheryl resent the report and BAS report; Town Clerk Cheryl Jassak-Huther – but she FOILED you (Barb) and Herb and you sent it to me and I immediately responded back to her saying 'Ms. Fancett, here is my email again' and we have communicated before so she does have my email – 'again, attached is all the documents'; Town Attorney Herbert Cully – yes, she does acknowledge that she received them; Councilman Lenart – so she's received two different reports; Assistant Director of Personnel Barbara Schwenzfeier – the supervisors reports and reports from BAS; Councilman Lenart – so she's received both and there is no more to send; Town Clerk Cheryl Jassak-Huther – I have even sent her letters that I send to the State, Dept. of Health, etc.; Supervisor Miscione – and the Supervisors reports that were never done and Cheryl did; Councilman Messa – so you sent her the Clerk one and the monthly; Town Clerk Cheryl Jassak-Huther – I sent her everything, including monthly reports she never did; Assistant Director of Personnel Barbara Schwenzfeier – showed the Board all the reports that were sent to Melody Fancett; Supervisor Miscione – If you want to take it one step further, if Cheryl didn't actually do the reports we would never have them because I never got them from Mel from January on; Councilman Reynolds – found the email Cheryl sent; Town Attorney Herbert Cully – if you guys are comfortable we can decide it now; Councilman Messa – if its stated that we gave her everything that she's actually asked for, again, which she confirmed is the same reports but she's asking for the Clerk's report but already got the Clerk report; Councilman

Lenart – then there’s no other reports; Town Clerk Cheryl Jassak-Huther – my question to you is – I’m going to respond to her – when is it going to stop; Supervisor Miscione – Don’t you (Herb) respond for us?; Town Attorney Herbert Cully – yes; Supervisor Miscione – so we just make a roll call and see what we want to do; Town Attorney Herbert Cully – you either want to, there’s a motion to dismiss the Appeal, you would take a vote. If there is a motion, second, then you vote. If not, there’s a motion to sustain the Appeal and direct Cheryl to provide A, B and C. Those are the two options; Councilman Lenart – there is no C, there A and B; Supervisor Miscione – what we can do, whatever we decide here, take the Clerk’s reports that you (Cheryl) give me, just upload to the internet, we’re done, online – full transparency – its online – it’s over with – nothing to hide – upload to website and everyone can get them. Only thing we are doing, we’re spending tax payers dollars, wasting more and more money on time to keep going on this stuff. We can upload it to the internet and its free and doesn’t cost us money. Rather have money in roads and signs than nothing and that’s what we are doing here in my opinion; Councilman Lenart – I am comfortable with it; Town Attorney Herbert Cully – you can either deny the Appeal or grant the Appeal to the extent that you feel documentation has not been provided and should be provided as follows. Whatever you feel should be provided; Councilman Lenart – asked Councilman Reynolds if he had anymore concerns or if he thought he had enough or if needed more time to look at it; Councilman Reynolds – based on the Town Clerk’s comments and assurance that she’s complied, I think we are all in favor to deny the Appeal.

Councilman Reynolds introduced the following Resolution for adoption and seconded by Councilman Lenart:

(RESOLUTION NO. 349 OF 2021)

RESOLVED, the Town of New Hartford Town Board does hereby accept to approve to deny Melody Fancett APPEAL to the Town Board.

Supervisor Miscione – just like to add, we upload the Town Clerk Reports to the website and this will put it to an end for good. One scan, January – November, put them in, scan in and put up on the website – everyone can pull them down, saves the tax payers money from spending useless dollars in labor costs.

The Town Board voted upon roll call, resulting as follows:

- Councilman Messa - Aye
- Councilman Lenart - Aye
- Councilman Reynolds - Aye
- Councilman Woodland - Aye
- Supervisor Miscione - Aye

The Resolution was unanimously carried and duly *ADOPTED*.

ADJOURNMENT:

September 29, 2021

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There being no further business to come before the Town Board, upon motion of Councilman Messa and second by Councilman Lenart, the meeting was adjourned at 9:12 p.m.

(RESOLUTION NO. 350 OF 2021)

RESOLVED that the New Hartford Town Board does hereby accept and approve as submitted the approval to adjourn.

Upon roll call, the Board members voted as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye

The Resolution was declared unanimously carried and duly *ADOPTED*

Respectfully submitted,

Cheryl A. Jassak-Huther
Town Clerk